



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 99-499)

In re Application of:)
Chou et al.)
Serial No.: 08/903,944) Art Unit: 1638
Filed: July 31, 1997) Examiner: D. Fox
For: Production of Transgenic Poinsettia) Confirmation No.: 3007

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Appeals from the decision of the examiner's rejection of all claims rejected in the Final Office Action dated September 26, 2003.

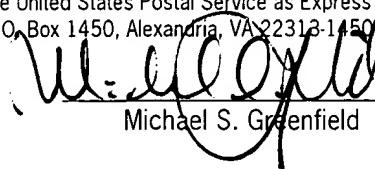
The item(s) checked below are appropriate:

1. An extension of time to respond to the final rejection was granted on _____ for ____ month(s).
2. A petition to extend time to respond to the final rejection, with the appropriate fee, accompanies this notice.
 - a. the fee is calculated from the date of mailing of an advisory action, because an amendment after the final rejection was filed within two months of the final rejection, which set a three month shortened statutory period for response, and the advisory action was mailed more than three months after the final rejection.
 - b. the fee is calculated from the end of the period set for response.

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail envelope EV333559793US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 26, 2004.

Date: January 26, 2004


Michael S. Greenfield

01/29/2004 AMODAF1 00000041 08903944
01 FC:1401
330.00 OP

3. Appeal Fee \$330.00 (Large Entity)
 Enclosed

Not required (Fee paid in prior appeal)

Charge to Deposit Account No. 13-2490
(One additional copy of this Notice enclosed herewith.)

4. The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Account No. 13-2490. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Michael S. Greenfield
Registration No.: 37,142

Date: January 26, 2004

Telephone: 312-913-0001
Facsimile: 312-913-0002

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive, 32nd Floor
Chicago, IL 60606